

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LEXOR MANUFACTURING, LLC,

Plaintiff,

VS.

LURACO, INC. and LURACO HEALTH &
BEAUTY, LLC,

Defendants.

Case No. 3:18-CV-01933-N

PARTIES' RULE 26(F) REPORT
REGARDING DISCOVERY PLAN

Undersigned counsel for plaintiff and counterclaim defendant Lexor Manufacturing, LLC (“Lexor”) undersigned counsel for defendants and counterclaim plaintiffs Luraco, Inc. and Luraco Health & Beauty, LLC (collectively, “Luraco”) hereby submit the case management statement and parties’ report under FRCP 26(f) regarding the discovery plan. Counsel for the parties held the Rule 26(f) conference on July 15, 2020. As of this date, the parties have been unable to resolve this matter.

The parties' report under Rule 26(f) regarding the discovery plan is as follows:

1. Rule 26(f) Discovery Plan:

- a. The parties do not believe that there should be any change in the timing, form, or requirement for disclosure under Rule 26(a). The parties will exchange Rule 26(a)(1)(A) initial disclosures two weeks from the date this discovery plan is filed with the court.
- b. The parties anticipate utilizing all discovery allowed under the Federal Rules, including requests for documents, interrogatories, requests for admissions, and depositions. The parties do not believe that discovery should be conducted in phases or otherwise limited.

- c. The parties have reviewed and intend to submit the Model Order Regarding E-Discovery in Patent Cases with little to no modifications thereto.
- d. The parties do not currently foresee any issues regarding claims of privilege and do not intend to seek any revisions to Second Amended Miscellaneous Order No. 62.
- e. The parties do not currently anticipate requiring any changes to the limitations on discovery imposed by the Federal Rules, the Local Rules, or Second Amended Miscellaneous Order No. 62.
- f. Other than set forth above, the parties do not foresee any need for the Court to issue additional orders under Rule 26(c) or under Rule 16(b) and (c).

2. Second Amended Miscellaneous Order No. 62 - Report:

Case management statement – Lexor instituted this action alleging that products sold by Luraco infringe Lexor’s intellectual property. Luraco has counterclaimed alleging that Lexor infringes Luraco’s intellectual property.

- 1. The parties do not propose any modifications to Second Amended Miscellaneous Order No. 62.
- 2. The parties have reviewed and intend to submit the Model Order Regarding E-Discovery in Patent Cases with little to no modifications thereto.
- 3. Luraco believes that a technical tutorial would be helpful to the presiding judge.
- 4. The parties do not currently foresee making any substantive changes to the model orders described in paragraph 2-1(e) of the Second Amended Miscellaneous Order No. 62.
- 5. Luraco believes that live testimony would be helpful to the presiding judge at the claim construction hearing.

6. The parties do not currently believe that additional limits to discovery, apart from those set forth in the model orders described in paragraph 2-1(e) of the Second Amended Miscellaneous Order No. 62, are necessary.
 7. The parties propose scheduling a claim construction prehearing conference between attorneys seven days after the filing of the joint claim construction and preliminary statement required by paragraph 4-2 of the Second Amended Miscellaneous Order No. 62.
 8. The parties do not currently believe that there is any reason to deviate from the ordinary practice of early and late mediations.
3. Additional Notes: The parties note that significant activity for both of them have resulted in their patent holdings and status, and the parties agree that each should be allowed to amend their pleading to reflect those changes, and 60 days would be appropriate time period to allow such amendment.

Dated: September 9, 2020

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Dated: September 9, 2020

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